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2 KORNFIELD, PAUL & NYBERG, P.C.
3 1999 Harrison Street, Suite 2675
4 Oakland, California 94612
5 Telephone: (510) 763-1000
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7 Attorneys for John T. Kendall, Trustee

8 UNITED STATES BANKRUPTCY COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 In re

11 OPYSYS U.S. CORPORATION,

12 Debtor.

Case No. 03-42660-LT
Chapter 7

13 NOTICE OF OBJECTION TO CLAIM
14 NO. 86 AND OBJECTION TO CLAIM

15 TO: Richard Perissinoto
16 34185 Heather Terrace
17 Fremont, CA 94555

18 PLEASE BE ADVISED that John T. Kendall, Trustee is objecting to your Claim No. 86 filed
19 in the above matter, which objection is set forth below.

20 The Trustee objects to allowance of the attached Claim No. 86 except to allow the claim as
21 follows:

22 Priority Claim in the amount of \$4,650.00 and a general unsecured claim of \$7,621.60.

23
24 The basis of the within objection is as follows: Only the sum of \$4,650 is entitled to treatment
25 as a priority claim.

26
27 PLEASE BE ADVISED THAT PURSUANT TO BANKRUPTCY LOCAL RULE 9014-1(b)(3) OF THE
28 UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA, ANY

Kornfield, Paul & Nyberg, P.C.
1999 Harrison Street, Suite 2675
Oakland, California 94612-3525
(510) 763-1000
FAX (510) 273-8669

1 **OBJECTION TO THE REQUESTED RELIEF, OR A REQUEST FOR HEARING ON THE MATTER MUST BE**
2 **FILED WITH THE U.S. BANKRUPTCY COURT, 1300 CLAY STREET, OAKLAND, CA 94612, AND SERVED**
3 **UPON COUNSEL FOR TRUSTEE WHOSE ADDRESS IS SET FORTH ABOVE, WITHIN TWENTY (20) DAYS**
4 **OF MAILING OF THIS NOTICE.**

5
6 **PLEASE BE FURTHER ADVISED THAT A REQUEST FOR HEARING OR OBJECTION MUST BE**
7 **ACCOMPANIED BY ANY DECLARATIONS OR MEMORANDA OF LAW WHICH THE PARTY OBJECTING**
8 **OR REQUESTING WISHES TO PRESENT IN SUPPORT OF ITS POSITION.**

9
10 **PLEASE BE FURTHER ADVISED THAT IF THERE IS NOT A TIMELY OBJECTION TO THE**
11 **REQUESTED RELIEF OR A REQUEST FOR HEARING, THE COURT MAY ENTER AN ORDER GRANTING**
12 **THE RELIEF BY DEFAULT.**

13
14 **PLEASE BE FURTHER ADVISED THAT THE INITIATING PARTY WILL GIVE AT LEAST TEN (10)**
15 **DAYS WRITTEN NOTICE OF HEARING TO THE OBJECTING OR REQUESTING PARTY, AND TO ANY**
16 **TRUSTEE OR COMMITTEE APPOINTED IN THE CASE, IN THE EVENT AN OBJECTION OR REQUEST FOR**
17 **HEARING IS TIMELY MADE.**

18
19 Dated: May 2, 2006

KORNFIELD, PAUL & NYBERG, P.C.

20
21 By: Eric A. Nyberg /s/
22 ERIC A. NYBERG
23 Attorneys for Trustee
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25
26
27
28

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

PROOF OF CLAIM

Name of Debtor
Opsys US Corp.Case Number: 03-42660-LT
Chapter 7
Creditor Id: 6766874

03-42660

NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. §503.

6766874

Name of Creditor (The person or other entity to whom the debtor owes money or property):
Richard Perissinoto

Name and Address where notices should be sent:

Richard Perissinoto
34185 Heather Terrac
Fremont, CA 94555

- ☐ Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.
- ☐ Check box if you have never received any notices from the bankruptcy court in this case.
- ☐ Check box if the address differs from the address on the envelope sent to you by the court.

Telephone Number:

510-742-9764

U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
03 SEP 30 AM 10:05
FILED

THIS SPACE IS FOR COURT USE ONLY

Account or other number by which creditor identifies debtor:

Check here if ☐ replaces
this claim ☐ amends a previously filed claim, dated _____

1. Basis for Claim

- ☐ Goods sold
- ☒ Services performed
- ☐ Money loaned
- ☐ Personal injury/wrongful death
- ☐ Taxes
- ☐ Other _____

- ☐ Retiree benefits as defined in 11 U.S.C. §1114(a)
- ☒ Wages, salaries, and compensation (fill out below)
- Your SS #: 079 00 8877
- Unpaid compensation for services performed
from 3/21/03 to 4/20/03
(date) (date)

2. Date debt was incurred:

4/28/03

3. If court judgment, date obtained:

4. Total Amount of Claim at Time Case Filed:

\$ 12,271.60

If all or part of your claim is secured or entitled to priority, also complete Item 5 or 6 below.

- ☒ Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.

5. Secured Claim.

- ☐ Check this box if your claim is secured by collateral (including a right of setoff).

Brief Description of Collateral:

- ☐ Real Estate ☐ Motor Vehicle
- ☐ Other _____

Value of Collateral: \$ _____

Amount of arrearage and other charges at time case filed included in secured claim, if any: \$ _____

6. Unsecured Priority Claim.

- ☐ Check this box if you have an unsecured priority claim
- Amount entitled to priority \$ _____
- Specify the priority of the claim:
- ☒ Wages, salaries, or commissions (up to \$4,650),* earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(3).
- ☐ Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4).
- ☐ Up to \$ 2,100* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6).
- ☐ Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.C. § 507(a)(7).
- ☐ Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8).
- ☐ Other - Specify applicable paragraph of 11 U.S.C. § 507(a)().

*Amounts are subject to adjustment on 4/1/04 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.

7. Credits: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.

8. Supporting Documents: Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.

9. Date-Stamped Copy: To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.

MAIL CLAIM TO:

Clerk's Office
4
1300 Clay Street (94612)
Post Office Box 2070
Oakland, CA 94604-2070

Date

9/25/03

Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any):

Richard Perissinoto RICHARD PERISSINOTO

Richard Perissinotto
34185 Heather Terrace
Fremont Ca, 94555-2996
510-7429764

United States Bankruptcy Court
Northern District California
1300 Clay St. (94612)
Post Office Box 2070
Oakland, Ca 94604-2070

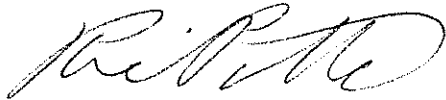
This is an itemized statement pursuant to a claim filed against Opsys U. S. Corp.

- A. Wages earned and unpaid for the period 3/21/03 to 4/21/03, being 40 regular hours per week for 4 weeks at \$26.92 per hour, totaling **\$4304.00**
- B. Overtime wages for the same period being 16 hours at time and a half (\$40.38) totaling **\$646.08** and 16 hours at double time totaling **\$861.44**
- C. Pursuant to Labor Code Section 203 a waiting time penalty at the rate of **\$215.36** per day until paid but not to exceed thirty days totaling **\$6460.08**

The total amount of claim at the time the case was filed is **\$12271.60**

Sincerely,

Richard Perissinotto



DECLARATION OF SERVICE

I, the undersigned, declare:

I am employed in the City of Oakland, County of Alameda, California. I am over the age of 18 years and not a party to this action. My business address is 1999 Harrison Street, Suite 2675, Oakland, California 94612.

I am readily familiar with the business practices of my employer, Kornfield, Paul & Nyberg, P.C., for the collection and processing of correspondence for mailing with the United States Postal Service and that correspondence is deposited with the United States Postal Service that same day in the ordinary course of business.

On May 2nd, 2006, I served the following document(s):

Notice of Objection to Claim No. 86 and Objection to Claim

by placing copies of said document(s) in sealed envelope(s) and served in the manner or manners described below addressed as follows:

Richard Perissinoto
34185 Heather Terrace
Fremont, CA 94555

I placed such envelope(s) for collection and mailing at my employer's office following ordinary business practices, addressed to the addressee(s) designated.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 2nd day of May, 2006 at Oakland, California.

Gail M. Aviles /s/ 